

REFERENCE TITLE: vehicle impoundment; administrative towing fund

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# **SB 1169**

Introduced by  
Senators Pearce, Harper, Verschoor

AN ACT

AMENDING SECTIONS 28-3513 AND 41-795, ARIZONA REVISED STATUTES; RELATING TO VEHICLE IMPOUNDMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 28-3513, Arizona Revised Statutes, is amended to  
3 read:

4           28-3513. Administrative charges

5       A. The immobilizing or impounding agency shall establish procedures  
6 for immobilization hearings or poststorage hearings, for the release of  
7 properly immobilized or impounded vehicles and for imposition of a charge for  
8 administrative costs relating to the removal, immobilization, impoundment,  
9 storage or release of a vehicle. The immobilizing or impounding agency may  
10 waive the administrative charges.

11     B. The administrative charges established pursuant to this section  
12 shall not exceed one hundred fifty dollars **AND SHALL NOT BE CHARGED TO A**  
13 **TOWING COMPANY THAT PERFORMS REMOVAL, IMMobilIZATION, IMPOUNDMENT, STORAGE OR**  
14 **RELEASE OF THE VEHICLE.**

15     C. The immobilizing or impounding agency shall collect any  
16 administrative charges at the time of the release of the vehicle unless the  
17 vehicle is stolen and the theft was reported to the appropriate law  
18 enforcement agency. If the vehicle is stolen and the theft was reported to  
19 the appropriate law enforcement agency, the operator of the vehicle at the  
20 time of immobilization or impoundment is responsible for all towing,  
21 immobilization, storage and administrative charges.

22     D. The administrative charges established pursuant to this section are  
23 in addition to any other immobilization, impoundment or storage charges.

24     E. A justice court providing an immobilization or poststorage hearing  
25 may collect a fee equal to the fee established pursuant to section 22-281 for  
26 a small claims answer.

27           F. If the immobilizing or impounding agency is:

28           1. A municipality, the administrative charges collected pursuant to  
29 this section shall be transmitted to the city treasurer for deposit in a  
30 special fund established by the municipality for the purpose of implementing  
31 section 28-872 and this article.

32           2. A county, the administrative charges collected pursuant to this  
33 section shall be transmitted to the county treasurer for deposit in a special  
34 fund established by the county for the purpose of implementing section 28-872  
35 and this article.

36           3. The department of public safety, the administrative charges  
37 collected pursuant to this section shall be deposited, pursuant to sections  
38 35-146 and 35-147, in the Arizona highway patrol fund established by section  
39 41-1752.

40           **4. THE CAPITOL POLICE, THE ADMINISTRATIVE CHARGES COLLECTED PURSUANT**  
41 **TO THIS SECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,**  
42 **IN THE CAPITOL POLICE ADMINISTRATIVE TOWING FUND ESTABLISHED BY SECTION**  
43 **41-795.**

1 Sec. 2. Section 41-795, Arizona Revised Statutes, is amended to read:  
2 41-795. Police officers: duties: capitol police administrative  
3 towing fund

4 A. The police officers who are employed pursuant to section 41-794  
5 have the authority and law enforcement responsibility for the protection of  
6 the state capitol building and grounds and all real property and buildings  
7 under the jurisdiction of the department as prescribed by section 41-791 and  
8 persons who are on this property. Police officers may make arrests and issue  
9 citations for crimes or traffic offenses and for a violation of a rule  
10 adopted under ~~the provisions of~~ section 41-796.

11 B. THE CAPITOL POLICE ADMINISTRATIVE TOWING FUND IS ESTABLISHED  
12 CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 28-3513. THE DEPARTMENT  
13 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED  
14 AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF  
15 APPROPRIATIONS. THE MONIES IN THE FUND MAY BE USED BY THE CAPITOL POLICE  
16 DEPARTMENT FOR LAW ENFORCEMENT PURPOSES.

17 Sec. 3. Retroactivity

18 This act applies retroactively to from and after December 31, 2007.